

Disability Rights Nebraska

Protection and Advocacy for People with Disabilities

This is basic information and does not constitute legal advice.

Social Security and Medical Continuing Disability Review (CDR)

What is a Medical Continuing Disability Review (CDR)?

A medical CDR is when the Social Security Administration (SSA) reviews your medical condition. The SSA uses the review to determine if:

- Your health has improved so that you are able to return to work, or
- Your disability still keeps you from working.

The SSA does medical CDRs to see if you still meet the SSA disability requirements to receive Social Security benefits. If you do not meet the medical requirements, the SSA may stop your disability benefits.

How will I know if the SSA is doing a medical CDR?

The SSA will send you a letter telling you that it is reviewing your eligibility for disability benefits. If the medical CDR shows that the SSA should stop payment of your benefits, the SSA will send you a letter and give you an opportunity to appeal.

How often am I required to have a medical CDR?

The SSA will review your medical condition depending on the following:

- If your disability is expected to improve, your first review will generally be in 6 to 18 months after the date you became disabled
- If it is possible that your disability might improve, the SSA will generally review your case about every three years.
- If your disability is not expected to improve, the SSA will generally review your case no less than every seven years.
- You have the right to ask the SSA when your review date is scheduled.

When will the SSA do a medical CDR?

There are many situations that may cause the SSA to do a medical CDR. However, a CDR cannot be conducted just because you work. Some examples may include, but are not limited to:

- You are scheduled for a medical review or a periodic review;
- The SSA needs a current medical report to see if your disability continues;
- You return to work and successfully complete a trial work period;
- You report substantial earnings on your wage record;
- You inform the SSA that you no longer have a disability or that you have returned to work;
- Someone who knows of your physical or mental disability tells the SSA, and it appears that the report may be correct that you:
 - Do not have a disability
 - Are not following prescribed treatment
 - Have returned to work
 - Are not following the SSA regulations
- The SSA receives evidence that raises a question about your disability;
- You have been scheduled for a vocational review;
- A state vocational rehabilitation agency notifies the SSA that its services are complete, or that you are working or are able to work.

What happens during a review?

At your review, the SSA will ask you how your disability affects you and if it has improved. The SSA will ask you to bring the following with you to your review:

- Your doctors' names, addresses, and phone numbers;
- A list of hospitals and doctors you visited;
- If you worked since you applied for disability benefits, the SSA will also ask you to bring:
 - Any information you have about the dates you worked
 - The pay you received (check stubs, etc.)
 - A description of the kind of work you did.

Once the SSA has this information, an experienced disability examiner will ask for medical reports from your doctors and any other places you visit for treatment. The examiner and a medical consultant will work together to carefully review your information. After they review your information, they will decide if you can continue to receive Social Security benefits.

How does the SSA decide if I can continue to receive Social Security benefits?

Generally, the SSA will use the information from your doctors, hospitals, or other medical sources to decide if you should still receive Social Security benefits. If the SSA does not have all of your information or if your information is not current, they may ask you to have a special examination. This will not cost you anything. If the SSA wants you to have a special examination, they will send you a letter that tells you the date, time, and place of the examination.

When would the SSA decide that my Social Security benefits should be stopped?

Generally, the SSA would decide to stop your benefits if they believe your medical condition has improved so that you are able to work on a regular basis. If your disability has not improved, and you are not able to work, you will continue to receive your Social Security benefits.

What if I am using a Ticket to Work?

If you are using a Ticket to Work, your medical CDRs are suspended as long as you are meeting certain requirements. You will need to show that you are:

- Making "timely progress" toward your goals in your work plan, or
- Working to meet your goals in your work plan (see "Ticket to Work" material).

What can I do if the SSA decides that I am no longer disabled and stops my benefits?

If you do not agree with any SSA decision, you can appeal it. The appeal process has four levels. Your local SSA office can help you with the appeal process. The levels of the appeal process are as follows:

- **File a Request for Reconsideration**

If you wish to file a request for reconsideration you have 60 days from the date you receive your notice to do so. However, you must file a request to continue receiving benefits within 10 days from the date you receive your notice or your benefits may stop.

You must complete a:

- "Request for Reconsideration" form SSA-789 (<http://www.ssa.gov/online/ssa-789.pdf>) and
- The Disability Report –Appeal form-SSA-3441 (<http://www.ssa.gov/online/ssa-3441.pdf>).

You should include a letter to request that your benefits continue. This means that you are asking the SSA to not take money from your Social Security benefit check until a final decision is made. If you disagree with the reconsideration decision, you can file a request for a hearing with an administrative law judge.

- **File a request for a Hearing with an Administrative Law Judge (ALJ)**

If you wish to file a request for a hearing you have 60 days from the date you receive your notice to do so. However, you must file a request to continue receiving benefits within 10 days from the date you receive your notice or your benefits may stop.

You must complete a:

- “Request for Hearing by Administrative Law Judge”- form HA-501 (<http://www.ssa.gov/online/ha-501.pdf>).
- The Disability Report –Appeal form-SSA-3441(<http://www.ssa.gov/online/ssa-3441.pdf>) and the
- Authorization to Disclose Information to SSA- form SSA-827(<http://www.ssa.gov/online/ssa-827.pdf>).

You should file the request within **60 days**. You should submit any new evidence you want the ALJ to consider within 10 days of the date that you file this request. If you will not be able to submit the evidence within 10 days, you must ask the ALJ for an extension of time to submit evidence and include that it is for good cause.

- **File a request with the SSA Appeals Council**

If you disagree with the hearing decision, you can ask for a review from Social Security’s Appeals Council. You must complete a “Request for Review of Hearing Decision” -Form HA-520 (www.ssa.gov/online/ssa-827.pdf). You should file the request within **60 days**.

You should submit any new evidence you want the Appeals Council to consider with your request for review. If you need additional time to submit evidence, you must you must ask the Appeals Council for an extension of time to submit evidence and include that it is for good cause.

Once the SSA Appeals Council makes a decision, it is final.

- **File in Federal court**

If you do not agree with the SSA Appeals Council or the Appeals Council decides not to review your case, you have **60 days** to file a lawsuit in a federal district court.

If you will not be able to file within 60 days, you can request an extension to file in federal court. You must include why you did not file in federal court within the 60 day period and that it was for good cause.

Can someone help me with appealing a CDR decision?

Yes. A lawyer, friend, or someone else can help you. This person would act as your “representative.” Your representative can act for you in most Social Security matters and will receive a copy of any decisions the SSA makes about your claim.

You can appoint your representative by completing an “Appointment of Representative” form (Form SSA-1696 found at www.ssa.gov/online/forms.html).

Your representative cannot charge or collect a fee from you without first receiving written approval from Social Security. For more information about having a representative, please see

the SSA publication, [Your Right To Representation](#) (Publication No. 05-10075 found at <http://www.ssa.gov/pubs>).

How do I contact the SSA?

- Visit the SSA web site at www.ssa.gov to use the Social Security Office Locator. You can use your zip code to find the nearest SSA office.
- Call **1-800-772-1213** or **1-800-325-0778 (TTY)**. You can speak to a SSA representative from 7 a.m. to 7 p.m., Monday through Friday. Automated phone service is available 24 hours a day.
- Visit one of the SSA offices listed below:

| City: | Address: | Zip: | Phone: |
|--------------|---------------------------------|-------|----------------|
| BEATRICE | 2630 EASTSIDE BLVD | 68310 | (402) 223-2309 |
| GRAND ISLAND | 115 N WEBB RD, STE 1 | 68803 | (308) 385-6440 |
| LINCOLN | ROOM 191, 100 CENTENNIAL MALL N | 68508 | (866) 593-2880 |
| NORFOLK | SUITE 1, 605 IRON HORSE DR | 68701 | (402) 371-1595 |
| NORTH PLATTE | 300 E 3RD ST RM 204 | 69101 | (308) 532-9502 |
| OMAHA | OLD MILL CENTRE, 604 N 109TH CT | 68154 | (402) 496-3520 |
| SCOTTSBLUFF | 415 VALLEY VIEW DR | 69361 | (308) 635-2158 |

Where do I send my requests and documents?

Once you have completed and signed the necessary forms, mail it to your local Social Security office as listed above.

Document all communications, conversations and events between you and the SSA. Note the date, who was involved, what was said, and the resolution. You may want to create and keep a file with all of your communications with the SSA. Also keep copies of all paperwork submitted.

All requests should be made in writing to your SSA representative. You should keep a copy for your own records. Send your written request to the SSA by certified, return receipt requested mail. Attach the return receipt to your copy of the request and keep this in your file.

SSA has reviewed the following publication for technical accuracy only; this should not be considered an official SSA document.